

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

DERRICK GIBSON §
MSGT, U.S. ARMY, §
§
and §
§
STEVEN BROWN §
SSG, U.S. ARMY, *et al*, for themselves §
and all others similarly situated §
§
Plaintiffs §
v. §
LLOYD AUSTIN §
Secretary of Defense, §
U.S. DEPARTMENT OF DEFENSE §
Washington, D.C. 20301 §
§
and §
§
JANET WOODCOCK, §
Acting Commissioner, §
U.S. FOOD AND DRUG §
ADMINISTRATION §
§
and §
§
XAVIER BECERRA §
Secretary of the U.S. Department of §
Health and Human Services §
U.S. DEPARTMENT OF HEALTH §
AND HUMAN SERVICES §
§
Defendants §
§

Civil Action No. _____

Declaration of Josh Wilson, U.S. Air Force, Air National Guard

I, Josh Wilson, Major, Virginia Air National Guard, do hereby declare as follows:

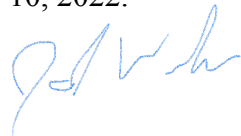
1. I am over the age of 18 years, have personal knowledge of the matters set forth in this Declaration, and if called upon to testify to them, I would and could do so competently.
2. I am a pilot in the United States Air National Guard currently serving at the 192d Fighter Wing at Langley AFB, VA.
3. I commissioned in December 2002 and served as a pilot in 3 combat coded airframes over the last 19 years including nearly 500 combat hours and 2 tours to Iraq.
4. I have served as a mission commander and instructor pilot for the last 5 years training the next generation of fighter pilots.
5. Since commissioning, I have now served honorably for nearly 20 years, and I will continue to do so, God willing. Throughout my career, I deployed to Iraq, Guam and Japan and have many more years to teach and many more years of service to give this great nation.
6. I submitted a medical exemption request in response to the COVID shot mandate.
7. I was told that even though I have a documented allergy to the vaccine, prior asymptomatic infection with antibodies, potential for clotting due to vein anatomy ,prior surgery, and two different doctors recommending against the shot, I was told repeatedly that I would likely be separated. I am currently coded as a

- refusal even though my medical exemption is in process. I was told that a religious exemption would not grant relief either.
8. I have been ordered by my commander on to report to the medical clinic and given a Letter of Counseling before ever being spoken to on the subject. The medical clinic does not have an FDA approved vaccine, but are trying to pass off an EUA version as such. I have been ordered to get a vaccine under Emergency Use Authorization.
 9. I have had a prior completely asymptomatic Covid infection and currently have antibodies. This antibody test and proof has been added to my exemption request. My wife is a contract Covid ICU nurse, and I am in contact with Covid daily through her with no adverse effects.
 10. I have repeatedly tried to explain to my commanding officer up through the Wing Commander the difference between the licensed product, Comirnaty, and the EUA-only Pfizer product and been told repeatedly that these differences do not matter and that the order is lawful.
 11. I am facing losing my retirement, losing my flying status, pay, GI bill, Tricare health benefits and potentially less than an Honorable discharge for my service.
 12. I was just enrolled in the Non Disability Determination Evaluation Service to determine if I am still fit to serve. The allergy waiver was traditionally handled in house and renewed annually but because it involves the Covid Vaccine, it has higher visibility and is being elevated. I was told I needed to enter a medical evaluation, quit or be forced out. There were no other options.

13. Every COVID refusal within my personal knowledge has been recommended for separation. At the time of separation, the BOI will determine at what grade I will be retired. Typically for “misconduct,” the officer is retired at the grade last “honorably” served, meaning I face reduction to “Captain” for retirement purposes.
14. The ultimate separation process will not stop without injunctive relief.
15. My vaccination status did not prevent me from continuing to execute the mission of the Air Force. During the pandemic, I did not miss a single day of work due to me being sick from Covid. Hundreds of people at my base missed weeks at a time, the only reason I missed any periods was because of our ineffective contact tracing protocols that unfairly place an additional burden on the asymptomatic un-Covid injection members.

I declare under penalty of perjury, under the laws of the United States, that the foregoing statements are true and correct to the best of my knowledge.

Executed this February 10, 2022.



Josh Wilson, Major VaANG